

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Haberman et al. Confirmation No.: 7536
Serial No.: 09/002,187 Art Unit: 2152
Filed: December 21, 1997 Examiner: T. Vu
Title: System and Method for Establishing a Virtual Circuit in an ATM Network

RENEWED PETITION UNDER 37 CFR 1.137

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the undersigned's telephone communication with Derek Woods of the United States Patent & Trademark Office's Petitions Office, submitted herewith is a copy of Applicants' fifth request for the status of the Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a). Further attached is a copy of the Petition to Withdraw Holding of Abandonment filed May 10, 2001, and a copy of the Issue Fee Payment filed March 19, 2001.

Statement of Facts

Applicants filed a Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a) on May 10, 2001, and have not yet received a decision on the Petition. Applicants received a telephone call from Jim Alexander (P/OPPD; (703)305-8387) indicating that the official USPTO file was lost. Applicants believe that this may be hindering the decision on the Petition, so Applicants filed a copy of Applicants' file history on September 26, 2003. However, Applicants still have not yet received any type of action in this case.

October 4, 2005, Applicants reviewed the Patent Application Information Retrieval system (PAIR) for the current status on the above-noted application (copy included). Under the File History, there is an entry for "12-09-2004: Mail Reconstruction Notice." However, Applicants submit that the Notice was never received, and hereby petition to have any statutory deadlines restarted.

To expedite the reconstruction of the file, review of the Petition to Withdraw Wrongful Holding of Abandonment and issuance of the application as a patent, Applicants submitted a true copy of the file history. The undersigned attested that a search of the file jacket and docket records indicated that the Notice of Reconstruction was never received. Evidence that the Notice mailed on December 9, 2004, was never received is provided in

the form of a copy of the docket record showing December 9, 2004, through March 9, 2005 (three months from the date of the action), where the non-received Notice would have been entered had it been received and docketed is attached to this statement.

Applicants therefore petition for withdrawal of the holding of abandonment in the above-identified application under 37 C.F.R. §1.181(a).

According to 37 C.F.R. §1.181(d) and M.P.E.P. 711.03(c), Applicants believe that no fee is due. However, should the Commissioner deem a fee due in connection with this paper, please charge any shortage in fees, including extension of time fees, to Deposit Account 13-2491 and please credit any excess fees to such deposit account.

Should anything further be required, Applicants request that the undersigned be contacted at the telephone number indicated below.

Respectfully submitted,



Eden U.I. Stright
Registration No. 51,205

Date: March 28, 2006

Verizon
1515 Courthouse Road, Suite 500
Arlington, VA 22201-2909
Tel: 703.351.3586
Fax: 703.351.3665

Acknowledgement Receipt

The USPTO has received your submission at **13:53:55** Eastern Time on **28-MAR-2006**.

No fees have been paid for this submission. Please remember to pay any required fees on time to prevent abandonment of your application.

eFiled Application Information

EFS ID	1013190
Application Number	09002187
Confirmation Number	7536
Title	SYSTEM AND METHOD FOR ESTABLISHING A VIRTUAL CIRCUIT IN AN ATM NETWORK
First Named Inventor	RANDY HABERMAN
Customer Number or Correspondence Address	25537
Filed By	Eden U.I. Stright
Attorney Docket Number	RIC-96-161
Filing Date	31-DEC-1997
Receipt Date	28-MAR-2006
Application Type	Utility

Application Details

Submitted Files	Page Count	Document Description	File Size	Warnings
RIC98014P2_Status_Inquiry-2006-03-28.pdf	1	Request for status of Application	4703 bytes	◆ PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53 (b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

If you need help:

- Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail EBC@uspto.gov for specific questions about Patent e-Filing.
- Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).
- If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Haberman et al. Confirmation No.: 7536
Serial No.: 09/002,187 Art Unit: 2152
Filed: December 21, 1997 Examiner: T. Vu
Title: System and Method for Establishing a Virtual Circuit in an ATM Network

**FIFTH STATUS INQUIRY REGARDING
PETITION TO WITHDRAW WRONGFUL HOLDING OF ABANDONMENT**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is Applicants FIFTH request for the status of the Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a). Please advise us in writing as to the status of the above-noted application.

Applicants filed a Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a) on May 10, 2001, and have not yet received a decision on the Petition. Applicants received a telephone call from Jim Alexander (P/OPPD; (703)305-8387) indicating that the official USPTO file was lost. Applicants believe that this may be hindering the decision on the Petition, so Applicants filed a copy of Applicants' file history on September 26, 2003. However, Applicants still have not yet received any type of action in this case.

October 4, 2005, Applicants reviewed the Patent Application Information Retrieval system (PAIR) for the current status on the above-noted application (copy included). Under the File History, there is an entry for "12-09-2004: Mail Reconstruction Notice." However, Applicants submit that the Notice was never received, and hereby petition to have any statutory deadlines restarted.

To expedite the reconstruction of the file, review of the Petition to Withdraw Wrongful Holding of Abandonment and issuance of the application as a patent, Applicants have submitted herewith a true copy of the file history.

The undersigned attests that a search of the file jacket and docket records indicates that the Notice of Reconstruction was never received. Evidence that the Notice mailed on December 9, 2004, was never received is provided in the form of a copy of the docket record showing December 9, 2004, through March 9, 2005 (three months from the date of the action), where the

non-received Notice would have been entered had it been received and docketed is attached to this statement.

Applicants therefore petition for withdrawal of the holding of abandonment in the above-identified application under 37 C.F.R. §1.181(a).

According to 37 C.F.R. §1.181(d) and M.P.E.P. 711.03(c), Applicants believe that no fee is due. However, should the Commissioner deem a fee due in connection with this paper, please charge any shortage in fees, including extension of time fees, to Deposit Account 13-2491 and please credit any excess fees to such deposit account.

Should anything further be required, Applicants request that the undersigned be contacted at the telephone number indicated below.

Respectfully submitted,

Date: March 28, 2006

/Eden U.I. Stright/
Eden U.I. Stright
Registration No. 51,205

MCI, LLC
1133 19th Street, NW
Washington, DC 20036
Phone: 202 736-6008
Fax: 202-736-6382

INSTRUCTIONS TO DOCKET CLE.

THE FOLLOWING PAPERS HAVE BEEN FILED:

DESCRIPTION OF PAPER	Transmittal Form; <i>enc 5/10/01</i>
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Petition to Withdraw Holding of Abandonment Under CFR 1.181(a);

Copy of Return Postcard; Copy of Transmittal Form; Copy of
Issue Fee Transmittal; Copy of Submission of Formal Drawings;

Copy of Submission of Formal Drawings Ltr.; Return Postcard

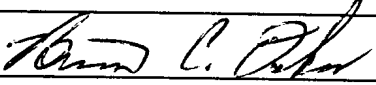
APPLICANT	Randy Haberman et al.	RECEIVED
SERIAL NO.	09/002,187	MAY 10 2001
ATTORNEY DOCKET NO.	RIC-96-161	Technology Center 2600
TITLE	System and Method for Establishing...	
SENDERS INITIALS	tg	DATE MAILED
		HAND DELIVERY May 10, 2001

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/002,187	
	Filing Date	December 31, 1997	
	First Named Inventor	Randy HABERMAN et al.	
	Group Art Unit	2152	
	Examiner Name	T. Vu	
Total Number of Pages in This Submission	17	Attorney Docket Number	RIC-96-161

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Date-Stamped Postcard; Copy of Transmittal Form; Copy of Issue Fee Transmittal; Copy of Submission of Formal Drawings; Copy of Formal Drawings
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Brian C. Oakes, Reg. No. 41,467 WorldCom, Inc.
Signature	
Date	5/10/2001

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: May 10, 2001	
Typed or printed name	Eden Stright -- FOR HAND DELIVERY TO USPTO
Signature	 Date 5/10/2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Randy HABERMAN, et al. :
Serial No.: 09/002,187 : Group Art Unit: 2152
Filed: December 31, 1997 : Examiner: T. Vu
For: SYSTEM AND METHOD FOR ESTABLISHING A VIRTUAL CIRCUIT IN AN ATM
NETWORK

PETITION TO WITHDRAW
HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Applicant hereby respectfully petitions for withdrawal of the holding of abandonment in the above-mentioned application.

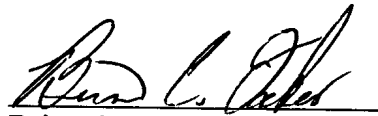
In response to the Notice of Allowance issued December 18, 2000, an Issue Fee payment was timely filed with a certificate of mailing on Monday, March 19, 2001. The postcard evidence provided herewith shows that the issue fee was, in fact, paid by Applicant and received by the U.S. Patent and Trademark Office. See attachment I.

Even though Applicants have properly paid the Issue Fee (See attachment II), a Notice of Abandonment has been received (dated April 26, 2001). Applicant respectfully submits that, in view of the postcard evidence provided herewith, the issue fee was, in fact, filed by Applicant and received by the U.S. Patent and Trademark Office. Applicant therefore submits that the proper payment of the Issue Fee should allow the application to issue as a patent. It is respectfully requested that, the abandonment of the application be withdrawn and that the application be forwarded to issue branch in preparation for issuance.

CONCLUSION

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,
WorldCom, Inc.

A handwritten signature in black ink, appearing to read "Brian C. Oakes", is written over a horizontal line.

Brian C. Oakes
Registration No. 41,467

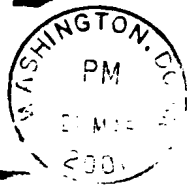
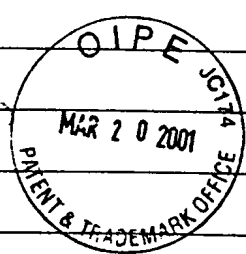
Technology Law Department
1133 19th Street, NW
Washington, DC 20036
(202) 736-6371
Date: May 10, 2001
Facsimile: (202) 736-6382

ATTACHMENT I
(Stamped Postcard indicating reception of Issue Fee Payment at USPTO)

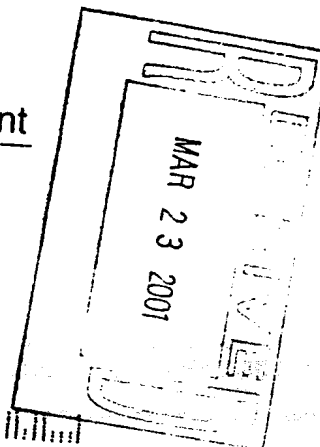
(INSTRUCTIONS TO DOCKET CLERK

THE FOLLOWING PAPERS HAVE BEEN FILED:

DESCRIPTION OF PAPER	Issue Fee Payment Transmittal; Submission of Formal Drawings Letter; (5) Sheets of (5) Figures of Formal Drawings; Transmittal Form; Certificate of Mailing; Return Postcard		
APPLICANT	Randy Haberman et al		
SERIAL NO.	09/002,187		
ATTORNEY DOCKET NO.	RIC 96 161		
TITLE	System and Method for Establishing a Virtual		
SENDERS INITIALS	ANT	DATE MAILED	3/19/2001



WORLDCOM, INC.
Attn: Technology Law Department
Dept.: 9854/003
1133 19th Street, N. W.
Washington, D.C. 20036



20036/3804

ATTACHMENT II
(Copy of Issue Fee Payment and Formal Drawings filed on March 19, 2001)